

Remarks:

The above amendments and these remarks are responsive to the non-final Office action dated December 31, 2007, and are being filed under 37 C.F.R. § 1.111. Claims 1-4, 11-17, and 19-22 are pending in the application, prior to entry of the present amendments to the claims. In the Office action, the Examiner

- (1) objected to claim 21 because of an alleged informality;
- (2) rejected claim 21 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite;
- (3) rejected claims 1-4, 11-14, 17, and 20 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0132226 A1 to Nair et al. ("Nair");
- (4) rejected claims 1-4, 11-14, 17, and 20 under 35 U.S.C. § 103(a) as being unpatentable over Nair in view of U.S. Patent No. 5,697,384 A to Miyawaki et al. ("Miyawaki");
- (5) rejected claims 15 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Nair (or Nair in view of Miyawaki) in view of U.S. Patent Application Publication No. 2003/0191430 A1 to D'Andrea et al. ("D'Andrea");
- (6) allowed claim 22; and
- (7) objected to claims 19 and 21, while indicating their allowability if rewritten in independent form.

Applicants traverse the rejections, contending that each of the pending claims is definite and is not anticipated by or rendered obvious over the cited references, taken alone or in combination.

Nevertheless, to expedite the issuance of a patent, and to more particularly claim aspects of the invention that applicants would like to patent now, applicants have (1) canceled claims 1, 15, 16, and 19 without prejudice; (2) amended claims 2-4, 11, and

21; and (3) added seven new claims, namely, claims 23–29. However, applicants reserve the right to pursue any of the canceled and/or amended claims, in original or previously presented form, at a later time. Furthermore, applicants have presented remarks showing that all of the pending claims are definite and are patentable over the cited references, taken alone or in combination. Accordingly, applicants respectfully request reconsideration of the application and prompt allowance of all of the pending claims.

I. Claim Amendments

The present communication amends claims 2–4, 11, and 21; and adds seven new claims, namely, claims 23–29. Each amendment to an existing claim and each new claim is supported fully by the application. Exemplary support (or an explanation) for each amendment and for each new claim is listed, without limitation, in the following table:

Claim(s)	Support (or Explanation)
2–4	(Changed dependency from canceled independent claim 1 to independent claim 22)
11 (Independent)	Original claim 19
21	(Improved clarity)
23 (New) (Independent)	Original claim 11; Claim 21; Page 2, lines 27–29
24 (New)	Original claim 12
25 (New)	Original claim 13
26 (New)	Original claim 14
27 (New)	Original claims 15 and 16
28 (New)	Original claim 17
29 (New)	Original claim 20

II. Claim Objection

The Examiner objected to claim 21 because of an alleged informality in the claim. More particularly, the Examiner objected to the phrase "coupling a plurality of ingestible objects to identification circuits" for allegedly lacking clarity and antecedent basis. Applicants traverse the objection, contending that the cited phrase of claim 21 derives antecedent basis and clarity from the "coupling" recited in claim 11, namely, "coupling an identification circuit to the ingestible object." Nevertheless, without acquiescing to the propriety of the objection, and for the reasons set forth above, applicants have amended claim 21 in a manner consistent with that suggested by the Examiner in the Office action. The objection to claim 21 thus should be withdrawn.

III. Claim Rejection – 35 U.S.C. § 112

The Examiner rejected claim 21 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. In particular, the Examiner asserted that the phrase "coupling a plurality of ingestible objects to identification circuits" of dependent claim 21 is broader than the phrase "coupling an identification circuit to the ingestible object" of independent claim 11 from which claim 21 depends. Applicants disagree emphatically. However, for the reasons set forth above, applicants have amended claim 21, rendering the rejection moot. Applicants submit that all of the pending claims satisfy the requirements of Section 112 and respectfully request withdrawal of the rejection under Section 112.

IV. Claim Rejections – 35 U.S.C. §§ 102 and 103

The Examiner rejected claims 1–4, 11–17, and 20 under Sections 102 and/or 103, but did not reject claims 19, 21, and 22 over prior art. Applicants traverse the rejections, contending that all of the claims are patentable over the cited references, taken alone or in combination. Nevertheless, for the reasons set forth above, applicants have amended the claims according to the subject matter deemed to be allowable by the Examiner, as described below.

Independent claim 1 has been canceled and dependent claims 2–4 have been amended to depend from allowed claim 22. Claims 2–4 thus should be allowed as depending from claim 22.

Independent claim 11 has been amended to correspond to objected-to claim 19 rewritten in independent form. Claim 11 thus should be allowed. Claims 12–14, 17, 20, and 21, which depend ultimately from claim 11, also should be allowed for at least the same reasons as claim 11.

New independent claim 23 is based on objected-to claim 21 rewritten in independent form, but with some modification of the claim language to improve clarity. Claim 23 thus should be allowed for the same reasons as objected-to claim 21. New claims 24–29, which depend from claim 23, also should be allowed for at least the same reasons as claim 23.

RECEIVED
CENTRAL FAX CENTER

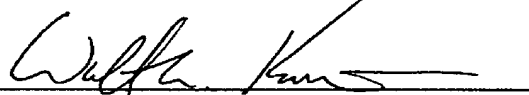
MAR 31 2008

V. Conclusion

Applicants submit that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicants respectfully request that the Examiner issue a Notice of Allowance covering all of the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Respectfully submitted,

KOLISCH HARTWELL, P.C.



Walter W. Karnstein

Registration No. 35,565

520 S.W. Yamhill Street, Suite 200

Portland, Oregon 97204

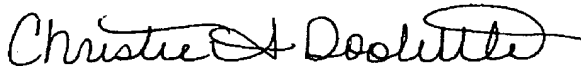
Telephone: (503) 224-6655

Facsimile: (503) 295-6679

Attorney for Applicants

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to Examiner N. Natnithithadha, Group Art Unit 3735, Assistant Commissioner for Patents, at facsimile number (571) 273-8300 on March 31, 2008.



Christie A. Doolittle

Page 11 - RESPONSE TO OFFICE ACTION
Serial No. 10/737,229
HP Docket No. 200314067-1
KH Docket No. HPCA 304